

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ISIDRO ROMAN,

Plaintiff,

v.

K. JACKSON

Defendant.

No. 1:23-cv-00671-KES-SAB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING
DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT

Docs. 47, 55

Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983. The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 8, 2025, defendant filed a motion for summary judgment on the grounds that plaintiff did not submit a grievance relating to the allegations at issue in this action and thus plaintiff failed to exhaust his administrative remedies. Doc. 47. Plaintiff opposed the motion for summary judgment. Doc. 51. On July 11, 2025, the assigned magistrate judge issued findings and recommendations recommending that defendant's motion for summary judgment for failure to exhaust administrative remedies be granted. Doc. 55. The findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days of service. *Id.* at 9. Plaintiff filed objections on July 28, 2025, and defendants filed a reply on August 8, 2025. Docs. 56, 57.

1 In accordance with 28 U.S.C. § 636(b)(1), the Court conducted a de novo review of this
2 matter. In his objections, plaintiff does not challenge the finding that he did not file a grievance
3 regarding the retaliation claim at issue in this action. Liberally construed, his two-page objection
4 argues generally that his ability to file a grievance was hindered and that his claims should
5 proceed to trial. Doc. 56. However, plaintiff fails to show how his ability to file a grievance
6 relating to the retaliation claim was hindered, particularly when plaintiff filed three other
7 grievances, on other distinct issues, relating to defendant.

8 Having carefully reviewed the file, including plaintiff's objections and defendant's reply,
9 the Court concludes that the findings and recommendations are supported by the record and
10 proper analysis.

11 Accordingly,

- 12 1. The findings and recommendations issued on July 11, 2025, Doc. 55, are adopted
13 in full;
- 14 2. Defendant's motion for summary judgment, Doc. 47, is granted; and
- 15 3. This action is dismissed, without prejudice, for failure to exhaust the
16 administrative remedies.

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19 IT IS SO ORDERED.

20 Dated: September 21, 2025


UNITED STATES DISTRICT JUDGE